

Amendments to the Drawings:

The attached sheet of drawings includes changes to FIG. 1. This sheet which includes FIG. 1, replaces the original sheet including FIG. 1. In FIG. 1, reference 111 has been added.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

Remarks

The specification has been amended to provide support for the amended claims. There is no introduction of new matter. See Figure 1, which shows a container with side walls (labeled 111 by amendment).

Claims 8, 16, 19, and 20 have been canceled. Claims 1 and 9 have been amended. Claims 21 to 24 have been added. Claims 1 to 7, 9 to 15, 17, 18, 21 to 24 are pending in the application. The claims have been amended to more particularly recite that which the inventors believe to be the invention. There has been no introduction of new matter (see paragraphs [0004], [0005], [0017], and Figure 1, element 111)

The drawings have been amended to conform with the above amendments to the specification by adding a reference showing element 111. There has been no introduction of new matter (see above).

Claim Rejections

General Discussion of Patentability

The present invention has differences and advantages over the prior-art described in the references that lend novelty and non-obviousness to the present invention. In the Declaration Under 37 CFR 132, enclosed with this amendment, provides evidence of the construction and function of the present invention to support patentability.

In particular, the construction of flexible and configurable conductor assembly of the present invention allows a user to place the heater on candle containers of various configurations and in various locations on the container. Accordingly the user is not constrained to a particular configuration, unlike certain prior-art systems that require candles of a particular configuration

and presumably from the same vendor as the candle heater. Likewise, the flexible and configurable conductor assembly allows the invention to be used on round, square, and odd shaped candle containers. This is unlike prior-art systems with constructions that restrict the size and/or shape of the candle container that can be used. These prior-art systems, for example, often require a wide flat base for sufficient heat transfer to the container, or have a specially constructed or dimensioned container to fit within the heater.

In contrast, the user of the present invention has the choice of essentially any candle container, giving the user a wider choice of candle aromas.

A major advantage of the present invention is that the flexible and configurable conductor assembly allows the candle container to be heated at a side wall, which gives the user control over the amount of wax melted and allows for efficient release of the aroma. Prior-art candle warmers that heat the candle container at the bottom require that the candle melt from the bottom and melt the entire candle before the top surface is melted and aroma is expelled. The end effect for these prior-art systems is that scent is inefficiently “cooked” from the candle as the entire candle is melted. This contrasts with the present invention where the candle can be melted first at the top by placing the flexible and configurable conductor assembly on the side wall near the top of the candle. With the invention, the candle is melted and the scent is diffused much faster than if the candle is melted from the bottom. As the scent is diffused from the candle wax near the top, the user can move the flexible and configurable conductor assembly down the side wall to melt the wax in the middle portion and the bottom of the container. Another advantage derives from the control the user has over the amount of wax melted in the candle, in that spill hazards are minimized.

In summary, because the present invention is constructed with a flexible and configurable conductor assembly that can be mounted on a side wall of the candle container, the user can use essentially any candle container, and efficient control of the scent release can be achieved. This construction, as recited in the claims, is not disclosed or suggested by the cited references. Further it is not disclosed or suggested by the references that a user could obtain any the advantages of the present invention, in particular (1) ability to use with essentially any container, and (2) achieve control of wax melting and of aroma release.

35 USC § 102 - Gallagher

Claims 1-3, 6, and 20 have been rejected under 35 U.S.C. 102(b) as being anticipated by Gallagher (United States Patent 5,831,242 A). Gallagher discloses a wiper heater that includes a coiled heater wire, slip fit insulator, and an air gap between the heater insert and a longitudinal bore of the wiper. The heater in Gallagher is not adapted to fit upon and extend around a surface on a side wall of a container containing a candle. The Gallagher device is for a wiper heater, and there is no disclosure of any sort of system adapted for heating a container for a candle that has a flexible and configurable conductor.

It is believed that this rejection is no longer applicable to the claims as amended. Accordingly, the Examiner is respectfully requested to reconsider and allow the rejected claims.

35 USC § 102 - Barnhart

Claims 1-3, 5, 7, 9-11, 13-15, 17 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Barnhart (United States Patent 6,413,476 B1). Barnhart discloses a diffuser for dispensing an aroma into a surrounding area that includes a cartridge with an aromatic substance dispersed in a wax carrier. The cartridge includes a container in which is located the wax carrier.

The container is positioned in a heat conductive cup and a heating element is located below the cup. A fan forces air past the cup and aromatic vapors released when the wax carrier is at least partially melted are entrained by the air currents and released through a vented dome at the top of the diffuser.

For purposes of the present discussion, the candle heating system in Barnhart is illustrative of prior-art systems discussed above. In Barnhart, the candle container is heated by a heater below the container (col 4, lines 3 – 7). Although heating is also provided by air circulation from a fan, this is not the same as, nor does it suggest, heating the side of a container with a flexible and configurable conductor assembly, as in the present invention. The Barnhart system would not provide the control over the melting of the wax that is provided by the present invention.

Further, because Barnhart does not have a flexible and configurable conductor, the container that can be used in Barnhart is of limited dimensions and configuration for the system to function. Candles, in replaceable cartridges, are melted in the container. This limits the availability of candles and scents that can be used in the Barnhart system.

It is believed that this rejection is no longer applicable to the claims as amended. Accordingly, the Examiner is respectfully requested to reconsider and allow the rejected claims.

35 USC § 103(a) – Gallagher in view of Beideman

Claim 8 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher as applied to claim 1 above, and further in view of Beideman (United States Patent 6,394,848 B1). Beideman discloses an electrical apparatus or appliance that includes a thermal responsive shut-off in the apparatus, and an non-replaceable fuse in the electrical cord-set plug.

This claim has been canceled and this rejection is no longer applicable. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

35 USC § 103(a) – Barnhart in view of Beideman

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gallagher as applied to claim 9 above, and further in view of Beideman (United States Patent 6,394,848 B1).

This claim has been canceled and this rejection is no longer applicable. Accordingly, the Examiner is respectfully requested to withdraw this rejection.

35 USC § 103(a) – Barnhart

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barnhart as applied to claim 9. Claim 18 is patentable over Barnhart for the same reasons set forth in the above discussion of Barnhart.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

35 USC § 103(a) – Barnhart in view of Theilacker et al.

Claim 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barnhart as applied to claim 2 and 10 above, and further in view of Theilacker et al. (United States Patent 5,138,138). Claims 4 and 12 are patentable over Barnhart for the same reasons set forth in the above discussion of Barnhart. Theilacker et al. discloses a heating system for an operating table. Theilacker et al. provides no added disclosure nor suggestion that would render the present invention unobvious.

The Examiner is respectfully requested to reconsider and withdraw this rejection.

Summary

The applicant believes the present claims to be allowable under 35 U.S.C. 102, 35 U.S.C. 103. Accordingly, the Examiner is respectfully requested to allow the present claims.

Respectfully submitted;

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1/3

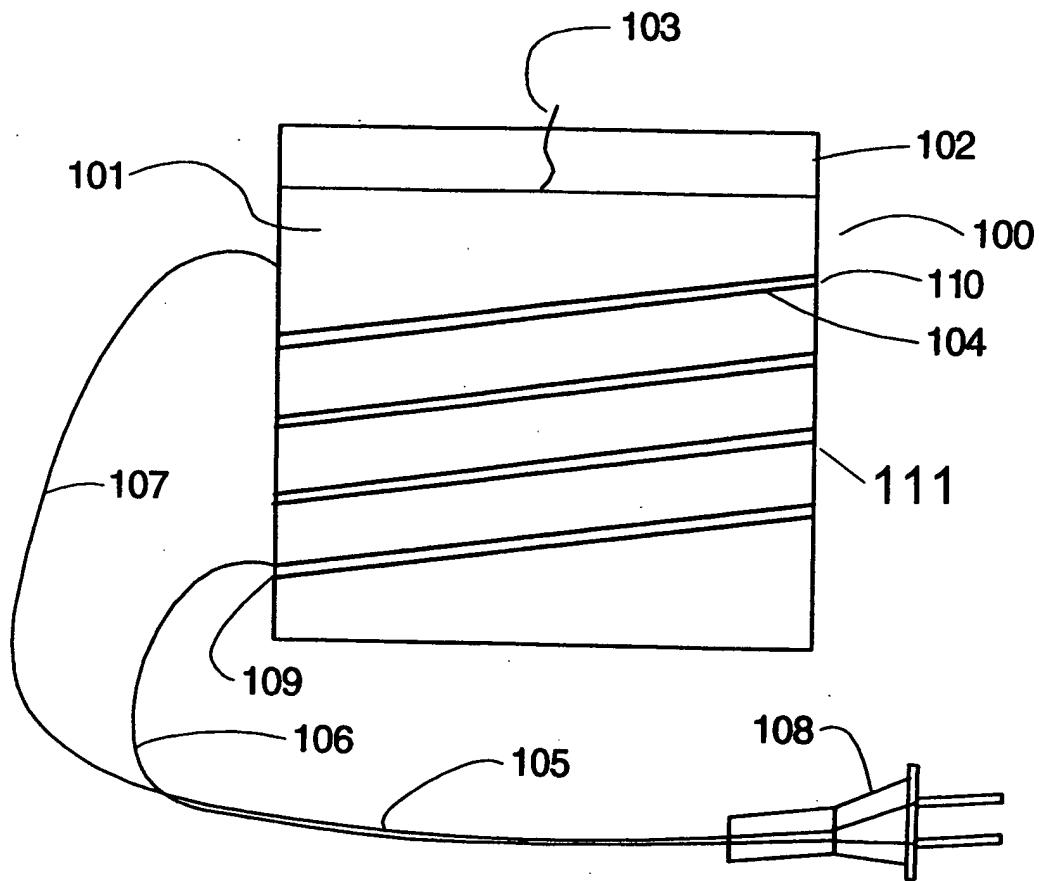


FIGURE 1